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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,590	10/31/2003	Paul J. Broyles	200313890-1	1642

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EXAMINER	
WANG, ALBERT C	

ART UNIT	PAPER NUMBER
2115	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,590	BROYLES, PAUL J.	
	Examiner	Art Unit	
	Albert Wang	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-26 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 25 October 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Original claims 1-25 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Somers et al., U.S. Patent No. 6,718,474 ("Somers").

As per claim 1, Somers discloses a CPU chip comprising:

a first register containing a first value that indicates the maximum temperature at which the CPU chip is rated to operate (fig. 2, register 410 of processor 110; col. 3, lines 43-58; col. 1, lines 35-55).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 3, 5, 8, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Somers, as applied to claim 1 above, and further in view of De Nicolo, U.S. Patent No. 6,308,240.

As per claims 2 and 3, while Somers teaches the first register containing a first value that indicates the maximum power the CPU is rated to draw during operation (col. 3, lines 1-8, 17-29 & 43-58), Somers does not appear to teach expressly monitoring temperature and power together. De Nicolo teaches a second register containing a second value that indicates the maximum power the CPU is rated to draw during operation (fig. 3, communications register 48 contains value for module 56; col. 4, lines 25-53). Since monitoring multiple parameters may provide better control and since Somers teaches the benefits of integrating discrete components onto a single integrated circuit package (col. 1, lines 35-55), at the time of the invention it would have been obvious for one of ordinary skill in the art that De Nicolo's second register may be integrated with Somers' first register and CPU. Whether the second value is contained in as part of a first register, or separately in a second register, is a matter of design.

As per claims 5, 8, 12, and 13, De Nicolo teaches the advantages of using read-only or non-volatile memory (col. 3, lines 8-32). It would have been obvious to implement the first and second registers using these types of memory.

6. Claims 14-16, 18, 21, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Nicolo, U.S. Patent No. 6,308,240, in view of Somers et al., U.S. Patent No. 6,718,474 ("Somers").

As per claim 14, De Nicolo teaches a CPU system comprising:

a first register containing a first value that indicates the maximum power the CPU is rated to consume during operation (fig. 3, communications register 48 contains value for module 56; col. 4, lines 25-53).

While De Nicolo's register is inherently on the same card as the CPU (fig. 1, such as module card 26 attached to backplane 12; col. 1, lines 30-38; col. 3, lines 33-40), DeNicolo does not expressly teach the register on the CPU chip. Somers teaches the benefits of integrating discrete components onto a single integrated circuit package (col. 1, lines 35-55). Therefore in view of Somer's integrating, at the time of the invention it would have been obvious for one of ordinary skill in the art that De Nicolo's register and CPU may be integrated onto a single chip.

As per claims 15 and 16, Somers teaches a second register containing a second value that indicates the maximum temperature at which the CPU chip is rated to operate (fig. 2, register 410 of processor 110; col. 3, lines 43-58; col. 1, lines 35-55). Whether the second value is contained in as part of a first register, or separately in a second register, is a matter of design.

As per claims 18, 21, 25, and 26, De Nicolo teaches the advantages of using read-only or non-volatile memory (col. 3, lines 8-32). It would have been obvious to implement the first and second registers using these types of memory.

7. Claims 4, 6, 7, 9-11, 17, 19, 20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Somers/De Nicolo, as applied to claims 1-3 and 14-16 above, and further in view of Yi et al., U.S. Patent No. 6,365,859 ("Yi").

As per claims 4, 6, 7, 9-11, 17, 19, 20, and 22-24 Somers/De Nicolo teaches the first and second values are predetermined, but does not teach expressly the values are determined during

manufacture or test of the CPU chip. Yi teaches testing such values during manufacture to enable chips to be sorted into different operational classes or bins (col. 1, lines 44-65). At the time of the invention in view of Yi's testing, it would have been obvious to one of ordinary skill in the art that Somers/De Nicolo's first and second values may be determined during manufacture or test, so as to facilitate binning of production chips. The maximum operating value of a specific chip would be generic to the bin that included the chip and had similar version identification.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 571-272-3669. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AW

CHUN CAO
PRIMARY EXAMINER